

(48)  
8-11-02  
SC

UNFILED 2/8/02

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BARBARA A. WILHELM,**  
**Plaintiff**

**v.**

**COMMONWEALTH OF PA.;**  
**PENNSYLVANIA STATE POLICE;**  
**COLONEL PAUL J. EVANKO,**  
**COMMISSIONER; LIEUTENANT**  
**COLONEL THOMAS K. COURY; and**  
**CAPTAIN MICHAEL D. SIMMERS,**  
**Defendants**

**NO. 1:CV-01-1057**

**(JUDGE RAMBO)** ✓

**FILED**  
**HARRISBURG, PA**

**JUN 10 2002**

**MARV E. D'ANDREA, CLERK**  
Per                       
Deputy Clerk

**DEFENDANTS' UNOPPOSED MOTION TO REMOVE  
THIS CASE FROM THE AUGUST TRIAL LIST**

Defendants hereby move the Court to remove this case from the August trial list. In support of this motion defendants state as follows:

1. This action alleges sex discrimination and retaliation in connection with plaintiff's employment in the Legislative Affairs Office of the Pennsylvania State Police.
2. Plaintiff is Barbara A. Wilhelm.
3. Defendants are the Pennsylvania State Police, Commissioner Paul J. Evanko, former Lieutenant Colonel Thomas K. Coury and Captain Michael D. Simmers.

4. The parties cross-motions for summary judgment are currently pending before the Court. Briefing on the motions concluded on May 22.

5. At the time the motions for summary judgment were filed, the case was on the Court's July trial list.

6. On May 31, 2002, the parties jointly moved the court to continue the trial until the motions for summary judgment had been decided.

7. By order dated June 4, 2002, the Court granted the motion in part. The Court removed the case from the July trial list and placed it on the August list with jury selection to occur on August 5.

8. The current schedule places jury selection and possibly the trial in this matter, during the week counsel for defendant has made arrangements to take a vacation with her family.

9. Counsel's vacation has been planned since March of this year, when she signed a contract to rent a vacation home and paid half of the rental.

10. At this point it is not possible for counsel to reschedule her vacation without losing a substantial part of the cost of the rental.

11. Counsel has also consulted with her witnesses several of whom also have vacations scheduled in August.

12. Counsel apologizes to the Court for not providing notice of these conflicts earlier. Counsel did not anticipate that the trial would be placed on the August list.

13. In order to avoid conflicts with these previously scheduled vacations, defendants respectfully request the Court to remove this case from the August trial list.


14. Counsel for defendants has consulted with plaintiff's attorney regarding the trial schedule. Plaintiff has no objection to removing the case from the August list.

15. Both parties are prepared to proceed in September, however, if the Court wishes to place the case on the September list.

**WHEREFORE**, defendants respectfully request the Court to remove this case from the August trial list.

**Respectfully submitted,**

**D. MICHAEL FISHER**  
**Attorney General**


**BY:**   
**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**Chief, Litigation Section**  
**I.D. No. 27744**

**Office of Attorney General**  
**Litigation Section**  
**15<sup>th</sup> Fl., Strawberry Square**  
**Harrisburg, PA 17120**  
**(717) 787-9831**

**DATED: June 10, 2002**

**CERTIFICATE OF CONCURRENCE**


I, **SUSAN J. FORNEY**, counsel for defendants, hereby certify that I discussed this motion with counsel for plaintiff, Nathan C. Pringle, and sought his concurrence in it which he gave.

  
**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**

**CERTIFICATE OF SERVICE**

I, **SUSAN J. FORNEY**, Chief Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on **June 10, 2002**, I caused to be served a copy of the foregoing document entitled **Defendants' Unopposed Motion to Remove the Case from the August Trial List**, by depositing same in the United States Mail, first class, postage prepaid, in Harrisburg, Pennsylvania, upon the following:

**Nathan C. Pringle, Jr., Esquire  
3601 North Progress Avenue, Suite 200  
Harrisburg, PA 17110**

  
\_\_\_\_\_  
**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**I.D. No. 27744**